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Docket No. CDS5018USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David James Moran Jr. et al.
Serial No.: 10/784,505 Art Unit: 2877
Filed : May 23, 2004 Examiner:
For : DETERMINING AN ANALYTE BY MULTIPLE MEASUREMENTS THROUGH
A CUVETTE

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March 23, 2005
(Date of Deposit)

Todd J. Burns
(Name of applicant, assignee, or Registered Representative)

/Todd J. Burns/
(Signature)

March 23, 2005
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The PTO did not receive the following
listed items(s) FOR

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

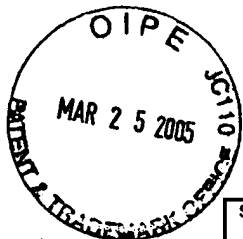
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CDS5018USNP/TJB. This form is submitted in triplicate.

Respectfully submitted,

/Todd J. Burns/

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DATED: March 23, 2005



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 4

Application Number	10/784,505
Filing Date	02/23/2004
First Named Inventor	Donald James Moran JR.,
Group Art Unit	2877
Examiner Name	
Attorney Docket Number	CDS5018

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		Des. 290,170		Käyhkö	06-02-1987	
		Re. 30,391		Liston	09-02-1980	
		2002/0169368	A1	Hwang et al.	11-14-2002	
		2003/0022380	A1	Jakubowicz et al.	01-30-2003	
		2003/0026733	A1	LaCourt et al.	02-06-2003	
		2003/0003591	A1	LaCourt et al.	01-02-2003	
		2003/0104634	A1	Jacobs et al.	06-05-2003	
		2003/0128363	A1	Aberle et al.	07-10-2003	
		2003/0137650	A1	Fine et al.	07-24-2003	
		2003/0147078	A1	Zirk et al.	08-07-2003	
		10/622,258		Jacobs et al.	07-18-2003	
		10/684,536		Freeman III et al.	10-14-2003	
		3,544,272		Vaills	12-1-1970	
		3,355,856		Randrup	12-05-1967	
		3,754,872		Zauft	08-28-1973	
		3,897,216		Jones	07-29-1975	
		4,066,365		Staunton	01-03-1978	
		4,123,173		Bullock et al.	10-31-1978	
		4,208,127		Hufenreuter	06-17-1980	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. ¹⁶ if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 2 of 4

Application Number	10/784,505
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First Named Inventor	Donald James Moran JR.,
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		Number	Kind Code ² (if known)			
		4,431,307		Suovaniemi	02-14-1984	
		4,468,371		Chen et al.	08-28-1984	
		4,496,293		Nakamura et al.	01-29-1985	
		4,517,160		Galle et al.	05-14-1985	
		4,517,851		Tice	05-21-1985	
		4,549,809		Minekane et al.	10-29-1985	
		4,595,562		Liston et al.	06-17-1986	
		4,614,434		Welch et al.	09-30-1886	
		4,629,703		Uffenheimer	12-16-1986	
		4,636,477		Rönka et al.	01-13-1987	
		4,639,135		Borer et al.	01-27-1987	
		4,648,712		Brenholdt	03-10-1987	
		4,666,853		Meserol et al.	05/19/1987	
		4,682,890		De Macario et al.	07-28-1987	
		4,741,429		Hattori et al.	05-03-1988	
		4,743,561		Shaffar	05-10-1988	
		4,950,077		Manabe	08/21/1990	
		5,064,282		Curtis	11-12-1991	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 3 of 4

<i>Application Number</i>	10/784,505
<i>Filing Date</i>	02/23/2004
<i>First Named Inventor</i>	Donald James Moran JR.,
<i>Group Art Unit</i>	2877
<i>Examiner Name</i>	
<i>Attorney Docket Number</i>	CDS5018

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		Number	Kind Code ² (if known)			
		5,273,715		Bridgham et al.	12-28-1993	
		5,309,216		Weichert	05/03/1994	
		5,314,825		Weyrauch et al.	05-24-1994	
		5,353,910		Harris et al.	10-11-1994	
		5,360,597		Jakubowicz et al.	11-01-1994	
		5,380,666		Wuerschum	01-10-1995	
		5,402,240		Thistlethwaite et al.	03-28-1995	
		5,432,096		Zhu	07/11/1995	
		5,482,839		Ashihara et al.	01-09-1996	
		5,525,514		Jacobs et al.	06-11-1996	
		5,535,744		DiNino	07-16-1996	
		5,599,501		Carey et al.	02-04-1997	
		5,735,378		Sundquist	04-07-1998	
		5,764,354		Aidam	06-09-1998	
		5,774,209		Shestock	06-30-1998	
		5,849,247		Uzan et al.	12-15-1998	
		5,853,666		Seaton et al.	12-29-1998	
		5,900,557		Tanihata et al.	05-04-1999	
		5,944,477		Shill	08-31-1999	

Examiner Signature	Date Considered
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Sheet 4 of 4

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First Named Inventor	Donald James Moran JR.,
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		Number	Kind Code ² (if known)			
		6,047,082		Rhody et al.	04-04-2000	
		6,081,326		Rousseau et al.	06-27-2000	
		6,196,375	B1	Cozza	03-06-2001	
		6,274,872	B1	Katerkamp	08/14/2001	
		6,328,164	B1	Rickkinen et al.	12-11-2001	
		6,358,471	B1	Ishihara	03-19-2002	
		6,374,987	B1	Heuft et al.	04-23-2002	
		6,451,259	B1	Cohen et al.	09-17-2002	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		CA	2,019,511		Robinson, et al.	09-13-1994	Abstract only	
		WO	2004/027375		Dade Behring Inc.	04-01-2004		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Clin. Chem., Vol. 38, pp. 1623-1631, 1992	
		Anal. Chem., Vol. 59, No. 17, pp. 1007A-1017A, Sept. 1987	
		Anal. Chem., Vol. 66, No. 15, pp. 795A-804A, Aug. 1994	

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